

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JHEN SCUTELLA,)	
Plaintiff,)	
)	C.A. No. 19-354 Erie
)	
v.)	
)	District Judge Susan Paradise Baxter
ERIE COUNTY PRISON, et al.,)	Magistrate Judge Richard A. Lanzillo
Defendants.)	

MEMORANDUM ORDER

Plaintiff Jhen Scutella, an individual formerly incarcerated at the Erie County Prison in Erie, Pennsylvania, initiated this *pro se* civil rights action on December 2, 2019, against the Erie County Prison (“ECP”), Erie County Drug and Alcohol counselor Kathy Gray (“Gray”), and nine individuals either employed at ECP or associated with the Erie County inmate work release program (for ease of reference, all Defendants other than Defendant Gray are hereafter referred to as “ECP Defendants”). Plaintiff claims that Defendants violated his constitutional rights by failing to transfer him to a work release program in accordance with the sentencing order issued after his guilty plea. The case was referred to United States Magistrate Judge Richard A. Lanzillo for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates. This matter was subsequently reassigned to the undersigned, as presiding judge, on January 10, 2020, with Judge Lanzillo remaining as the referred Magistrate Judge for all pretrial proceedings.

On March 3, 2020, the ECP Defendants filed a motion to dismiss [ECF No. 32] as to all claims against them, and Defendant Gray subsequently filed her own motion to dismiss [ECF No. 40] as to all claims against her.

On November 16, 2020, Judge Lanzillo issued a Magistrate Judge's Report and Recommendation ("R&R") recommending that Defendants' motions to dismiss be granted [ECF No. 50]. Plaintiff has since filed objections to the R&R [ECF No. 51] essentially restating the arguments raised in his response to Defendants' motions to dismiss [ECF No. 46].

After *de novo* review of the complaint and documents in this case, together with the report and recommendation, the following order is entered:

AND NOW, this 31st day of December, 2020;

IT IS HEREBY ORDERED that both the ECP Defendants' motion to dismiss [ECF No. 32] and Defendant Gray's motion to dismiss [ECF No. 40] are GRANTED, and all claims in this case are DISMISSED, with prejudice. The report and recommendation of Magistrate Judge Lanzillo, issued November 16, 2020 [ECF No. 50], is adopted as the opinion of the court.

The Clerk is directed to mark this case CLOSED.


SUSAN PARADISE BAXTER
United States District Judge

cc: The Honorable Richard A. Lanzillo
U.S. Magistrate Judge